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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,276	10/02/2001	Akira Nonaka	9798423-0006	5130
26263 7590 11/19/2008 SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080				
EXAMINER				
ALAM, SHAHID AL				
ART UNIT		PAPER NUMBER		
2162				
MAIL DATE		DELIVERY MODE		
11/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AKIRA NONAKA
and
TADASHI EZAKI

Application 09/856,276
Technology Center 2100

Mailed: November 19, 2008

Before KRISTA ZELE, *Deputy Chief Appeals Administrator*.

ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 28, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on April 9, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

INFORMATION DISCLOSURE STATEMENT

Appellants filed an Information Disclosure Statement (IDS) dated August 29, 2008. There is no indication on the record that the Examiner has considered the above IDS. The *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, Sept. 2007) § 609 requires the Examiner to consider any IDS filed by Appellants if timely submitted. A written communication notifying Appellants of the Examiner's consideration of the above IDS is required.

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to acknowledge and consider the Reply Brief filed April 9, 2007;
 - 2) to acknowledge and consider the IDS filed August 29, 2008;
- and
- 3) for such further action as may be required.

KZ:psb

Application 09/856,276

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